

**ELECTRONICALLY FILED**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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M&I EQUIPMENT FINANCE COMPANY,	:
	:
Plaintiff,	:
- v -	:
	:
SIGNATURE BANK,	:
	:
Defendant.	:
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Civil Action No.:  
08-CV-02164 (GEL/GWG)  
  
**DEFENDANT'S INITIAL  
DISCLOSURES**

Defendant Signature Bank ("Signature"), by its attorneys, Herrick, Feinstein LLP, sets forth below its initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1), based upon information that it presently and reasonably has available to it. In providing these required disclosures, Signature does not waive and specifically reserves: (1) all questions as to the competency, relevancy, materiality, privilege and admissibility for any purpose, at any trial or hearing in this case or in any related or subsequent action or proceeding, of any documents identified, the subject matter thereof or the testimony of any persons identified herein; (2) the right to object on any ground to the use of any of the documents identified herein or the subject matter thereof at any trial or hearing in this case or in any related or subsequent action or proceeding; (3) the right to object on any ground at any time to any other discovery requests; and (4) the right to revise, supplement or correct the disclosures herein.

**I. DISCLOSURE PURSUANT TO FED. R. CIV. PROC. RULE 26 (26(a)(1)(A)(i))**

The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

*Response:* The following individuals identified below are likely to have discoverable information that Signature may use to support its defenses in this action on all or some of the following subjects:

<b>Witness Name</b>	<b>Witness Address</b>	<b>Subject Within Witness' Knowledge</b>
Robert Bloch	c/o Signature Bank 565 Fifth Avenue New York, NY 10017	<ul style="list-style-type: none"> <li>• Bank accounts of the Judgment Debtors at Signature<sup>1</sup></li> <li>• Matters set forth in the Complaint and Answer</li> <li>• Signature's right of setoff and perfected security interest in the bank accounts of the Judgment Debtors</li> </ul>
Patrick Manzi	c/o Signature Bank 565 Fifth Avenue New York, NY 10017	<ul style="list-style-type: none"> <li>• Bank accounts of the Judgment Debtors at Signature</li> </ul>
Bruce Chang	c/o Signature Bank 565 Fifth Avenue New York, NY 10017	<ul style="list-style-type: none"> <li>• Signature's responses to the restraining notices and information subpoenas</li> <li>• Processing of the restraining notices and information subpoenas by Signature</li> </ul>
Dexter King	c/o Signature Bank 565 Fifth Avenue New York, NY 10017	<ul style="list-style-type: none"> <li>• He signed the return receipt requested form annexed to M&amp;I's First Set of Interrogatories</li> </ul>

<sup>1</sup> The term "Judgment Debtors" refer to Moise Banayan, Lewis County Dairy Corp. and Ahava Food Corp.

Marlon Gonzalez	c/o Signature Bank 565 Fifth Avenue New York, NY 10017	<ul style="list-style-type: none"> <li>Processing of the restraining notices and information subpoenas by Signature</li> </ul>
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## **II. DISCLOSURE PURSUANT TO FED. R. CIV. PROC. RULE 26 (26(a)(1)(A)(ii)**

A copy—or a description by category and location of— all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless solely for impeachment.

*Response:* Based on information presently available, Signature may use the following categories of documents to support its claims and/or defenses in this action:

- (a) internal non-privileged correspondence (i) among Signature employees, and (ii) with counsel for M&I;
- (b) bank account information of the Judgment Debtors;
- (c) agreements and other documents memorializing the loans and other transactions between Signature and the Judgment Debtors;
- (d) all documents relating to the service of the restraining notices and information subpoenas that are the subject of this action; and
- (e) documents relating to the claims and defenses in the underlying lawsuit between M&I and the Judgment Debtors.

These records are located at the offices of Signature Bank, 565 Fifth Avenue, New York NY, at the offices of Herrick Feinstein LLP or are within the possession or control of the plaintiff.

Based on the information readily available to it, Signature has enclosed those documents thus far identified as supporting its defenses in this action.

**III. DISCLOSURE PURSUANT TO FED. R. CIV. PROC. RULE 26 (26(a)(1)(A)(iii))**

A computation of any category of damages claimed by the disclosing party—who must make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

*Response:* Signature is not claiming damages in this action.

**IV. DISCLOSURE PURSUANT TO FED. R. CIV. PROC. RULE 26 (26(a)(1)(A)(iv))**

For inspection and copying as under Rule 34, any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

*Response:* Defendant is not in possession, custody or control of any insurance agreement affording coverage for the claims alleged in this action.

Dated: New York, New York  
May 13, 2008

HERRICK, FEINSTEIN LLP

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